

Applicant : Jiro Kishimoto et al.
Serial No. : 09/822,722
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Attorney's Docket No. 10287-058001

REMARKS

Following the filing of the Amendment Pursuant to 37 C.F.R. §1.312, filed on February 3, 2004 (hereinafter "the first Rule 312 amendment"), Applicants discussed the first Rule 312 amendment with the Examiner in a telephonic interview on February 9, 2004. The Examiner indicated that claims 171 and 171, presented in the first Rule 312 amendment, would require further consideration and therefore could not be entered. In order to expedite prosecution, and because an Amendment Under 37 C.F.R. §1.312 cannot be entered in part, Applicants agreed to cancel claims 170 and 171, without prejudice or disclaimer, in a second Amendment Pursuant to 37 C.F.R. §1.312 (the present amendment). Applicants understand that the first Rule 312 amendment will not be entered but the present Rule 312 amendment will be entered.

Claims 34 and 35 are allowed. New claims 109-169 (presented in the first Rule 312 amendment) are reiterated. Upon entry of this amendment, claims 34, 35 and 109-169 will be pending. The present claim amendments merely reinstate most of the claims that were pending before entry of the Examiner's amendment. Applicants reiterate the previous request made in the reply dated August 27, 2003, and in the first Rule 312 amendment, regarding consideration of the added claims, including search of additional Wnt species as provided under M.P.E.P. § 809.02(a), and rejoinder and examination of claims covered by restriction groups I and VI under M.P.E.P. § 821.04. No new matter is added.

Please apply any charges or credits to Deposit Account No. 06-1050.

Respectfully submitted,

Date: 2/9/2004

Leda Trivinos
Reg. No. 50,635

Fish & Richardson P.C.
225 Franklin Street
Boston, MA 02110-2804
Telephone: (617) 542-5070
Facsimile: (617) 542-8906